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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/664,143	09/17/2003	Udo Schutz	PR-49	3490

7590

01/12/2006

Friedrich Kueffner
317 Madison Avenue
New York, NY 10017

EXAMINER

NGUYEN, DANNY

ART UNIT

PAPER NUMBER

2836

DATE MAILED: 01/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

54

Office Action Summary	Application No. 10/664,143	Applicant(s) SCHUTZ, UDO	
	Examiner Danny Nguyen	Art Unit 2836	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 8- 11 is/are rejected.
- 7) ☒ Claim(s) 5-7 and 12-14 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>9/17/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-4, 8-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pfeiffer (USPN 5,634,561) in view of Havens et al (USPN 4,848,566)

Regarding claims 1, 2, 4, Pfeiffer discloses a transport and storage container for liquids (figures 2, 4, 6) comprises pallet-shaped support frame made (3) of metal (col. 2, lines 62-63); an exchangeable inner container made of plastic material (1'), supported on the support frame and being of a single-layer configuration provided with a permanently antistatic outer layer (see figure 6, col. 1, 2, lines 59-3); wherein the inner container is cubic container comprising four sidewalls, a top and a bottom, an upper closable fill socket, and a tapping fixture (1a); an outer jacket (2) surrounding the inner container and comprised of grade bars metal (col. 2, lines 52-55); an outlet socket for receiving tapping fixture comprised of plastic material and connected the permanently antistatic outer layer of the inner plastic container (the drain device 1b inherently includes an outlet socket and tapping fixture). Pfeiffer does not disclose the outlet socket comprises a conductive plastic material, which comprises a polyethylene containing a carbon black as claimed. Havens teaches that using the conductive plastic material comprises a polyethylene containing a carbon black such that it protects

Art Unit: 2836

container from electrostatic charge event (col. 7, lines 43-54). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the drain device of Pfeiffer to utilize the conducting plastic material containing a carbon black as taught by Havens in order to protect container against static electric charge that can cause dangerous spark.

Regarding claim 8, 9, 11, Pfeiffer discloses a transport and storage container for liquids (figures 2, 4, 6) comprises pallet-shaped support frame made (3) of metal (col. 2, lines 62-63); an exchangeable inner container made of plastic material (1'), supported on the support frame and being of a single-layer configuration provided with a permanently antistatic outer layer (see figure 6, col. 1, 2, lines 59-3); wherein the inner container is cubic container comprising four sidewalls, a top and a bottom, an upper closable fill socket, and a tapping fixture (the drain device 1b inherently includes a tap which is a plastic material); an outer jacket (2) surrounding the inner container and comprised of grade bars metal (col. 2, lines 52-55). Pfeiffer does not disclose the tap of the drain device comprises a conductive plastic material, which comprises a polyethylene containing a carbon black as claimed. Havens teaches that using the conductive plastic material comprises a polyethylene containing a carbon black such that it protects container from electrostatic charge event (col. 7, lines 43-54). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the tap of the drain device of Pfeiffer to utilize the conducting plastic material containing a carbon black as taught by Havens in order to protect container against static electric charge that can cause dangerous spark.

Regarding claims 3 and 10, Havens teaches that using the conductive plastic material comprises a polyethylene containing a carbon black which has a surface resistance less than 100,000 ohm square, and volume resistance (inherent) such that it protects container from electrostatic charge event (col. 3, lines 40-41, col. 7, lines 43-54). Havens does not show the volume resistance as claimed. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to select the volume resistance of the polyethylene of carbon black to any desired value as long as it compatible with the requirements of other elements in the circuit in order to properly performs the antistatic function of the conductive layer. It has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. *In re Boesch*, 617 F.2d 272, 205 USPQ 215 (CCPA 1980).

Allowable Subject Matter

2. Claims 5-7, 12-14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion


3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Danny Nguyen whose telephone number is (571)-272-2054. The examiner can normally be reached on Mon to Fri 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Sircus can be reached on (571)-272-2058. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DN

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12/6/2005



BRIAN SIRCUS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2300